

REMARKS

Claims 1-17 are currently pending in the application. By this amendment, claims 1, 3 and 7-9 are amended and claims 10-17 are added for the Examiner's consideration. The above amendments and added claims do not add new matter to the application and are fully supported by the specification. For example, support for the amendments and added claims is provided at Figure 4, and at pages 13-17 of the specification. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Allowed Claims

Applicants appreciate the indication that claims 3-9 contain allowable subject matter. Claims 7 and 9 are amended to independent form and now include the subject matter of claim 1. Claims 7 and 9, and any claims dependent thereon, are now in immediate condition for allowance. However, Applicants submit that all of the claims are in condition for allowance for the following reasons.

35 U.S.C. §102 Rejection

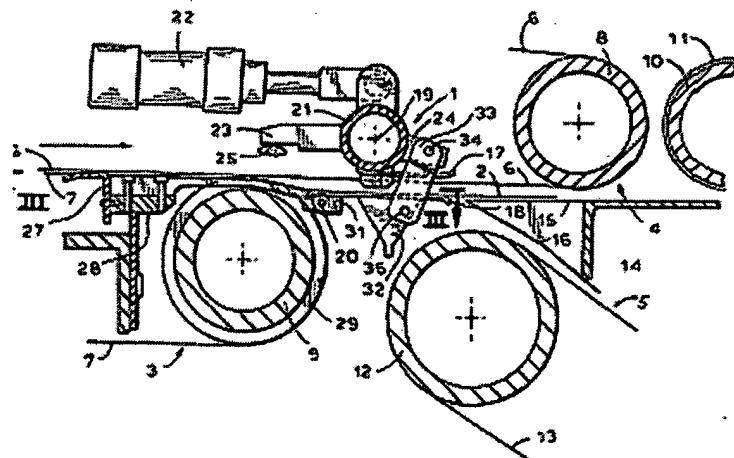
Claims 1 and 2 were rejected under 35 U.S.C. §102(b) for being anticipated by Kollann et al. This rejection is respectfully traversed.

The claimed invention recites, in part,

a pathway switching mechanism ...including:
a pair of upstream-side gate members; and
a downstream-side gate member pivotable in a same direction as
the pair of upstream-side gates.

However, these features are not shown in the Kollann reference. That is, Kollann does not show a combination of an upstream-side gate member and a downstream-side gate member. In fact, Kollann only shows a diverter which is an upstream-gate member.

By way of illustration, in Kollann, a diverter 1 is provided in a cross-cutting machine for the production of paper cardboard or paperboard sheets 2 at a location at the downstream end of an incoming belt conveyor 3 and upstream of two outgoing transport stretches 4, 5. As shown in Figure 1, reproduced below, the diverter is at the upstream-side of the transportation path.



As shown clearly in Figure 1, the diverter includes two skid-like guide elements 17, 18 which extend over the full machine width and form a gate for the sheets 2 swingable from a horizontal orientation (Figure 1) to an inclined orientation (Figure 2). (See, col. 4.) In the upwardly-swung position shown in Figure 1, the guide element 18 extends from the roller 9 substantially to the region of the tip of the wedge 14 and the outlet end of element 18 is located slightly above the surface 15 of wedge 14. In the downwardly-swung position shown in Figure 2, the guide element 18 is substantially tangential to the surface of the deflection roller 12 of the outgoing conveyor 5 and ends with only a slight distance ahead of this roller. (See, col. 5, lines 25-35.) However, there clearly is no downstream-side gate member

Accordingly, Applicants respectfully request that the rejection over claims 1 and 2 be withdrawn.

Added Claims

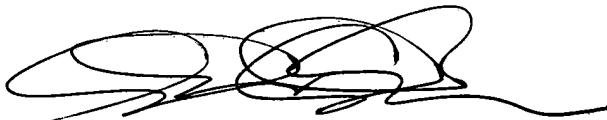
Claims 10-17 are added for the Examiner's consideration. Claims 10-15 are dependent claims, depending from distinguishable base claim 1. These claims are thus in immediate condition for allowance.

Claim 16 is an independent claim. Claim 16 recites, in part, two upstream gate members and a downstream gate member. The downstream gate member will always provide a space between sheet guides regardless of the pivot position. Thus, there is no pinching of sheets during operations. The references of record do not show this feature. Accordingly, claim 16 is thus distinguishable over the reference of record. Claim 17 is a dependent claim, depending on claim 16.

CONCLUSION

Applicants appreciate the indication of allowable subject matter. However, in view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 23-1951.

Respectfully submitted,



Andrew M. Calderon
Registration No. 38,093

McGuireWoods, LLP
Suite 1800
1750 Tysons Blvd.
McLean, VA 22102
(703) 712-5426